

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Joshua Richardson	Team: Squad #8	CCRB Case #: 201800295	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 01/11/2018 7:10 PM	Location of Incident: § 87(2)(b)	Precinct: 113	18 Mo. SOL 7/11/2019	EO SOL 7/11/2019	
Date/Time CV Reported Fri, 01/12/2018 10:56 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 01/12/2018 10:56 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Brandon Agosto	25108	952386	NARCBQS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Ehtasham Khan	02329	945878	NARCBQS

Officer(s)	Allegation	Investigator Recommendation
A.POM Brandon Agosto	Abuse: Police Officer Brandon Agosto entered § 87(2)(b) in Queens.	§ 87(2)(b)
B.POM Brandon Agosto	Abuse: Police Officer Brandon Agosto searched § 87(2)(b) in Queens.	§ 87(2)(b)
C.POM Brandon Agosto	Abuse: Police Officer Brandon Agosto failed to show the search warrant to § 87(2)(b)	§ 87(2)(b)

## Case Summary

On January 12, 2018, § 87(2)(b) filed this complaint with the CCRB via phone.

On January 11, 2018, at approximately 7:10pm, at [REDACTED] § 87(2)(b) [REDACTED], in Queens, § 87(2)(b) [REDACTED] § 87(2)(b) [REDACTED]'s residence, PO Brandon Agosto, assigned to Narcotics Borough Queens South, entered and searched the location (**Allegations A and B; Abuse of Authority,** § 87(2)(g) [REDACTED] § 87(2)(b) [REDACTED] asked PO Agosto to see the search warrant and PO Agosto allegedly told her that she needed an attorney to see it (**Allegation C; Abuse of Authority,** § 87(2)(g) [REDACTED] § 87(2)(b) [REDACTED] gathered her belongings from inside the apartment, was then given the key to the padlock on her apartment door, and left the location.

There is no video evidence.

## **Findings and Recommendations**

**Allegation A: Abuse of Authority: Police Officer Brandon Agosto entered § 87(2)(b)**  
**§ 87(2)(b) in Queens.**

**Allegation B: Abuse of Authority: Police Officer Brandon Agosto searched § 87(2)(b)**  
**§ 87(2)(b), in Queens.**

§ 87(2)(b) testified that when she arrived at § 87(2)(b) her residence, on January 11, 2018 at approximately 7:10pm, she observed PO Agosto inside. PO Agosto informed her that he had a search warrant for narcotics, and had knowledge of a male individual selling narcotics from inside her apartment. (Board Review 01)

PO Agosto and Sgt. Khan both testified that PO Agosto had obtained search warrant § 87(2)(b) in regards to an investigation into narcotics for § 87(2)(b) § 87(2)(b) in Queens, on § 87(2)(b) § 87(2)(b). (Board Review 02 and 03)

New York State Criminal Procedure Law §690.50 states that officers may forcibly enter a location and search the premises pursuant to a valid search warrant (Board Review 04).

§ 87(2)(g)

**Allegation C: Abuse of Authority: Police Officer Brandon Agosto failed to show the search warrant to § 87(2)(b)**

It is undisputed that § 87(2)(b) asked PO Agosto to see the search warrant he had for her residence. § 87(2)(g) § 87(2)(b)

§ 87(2)(b) testified that after she looked around her apartment, PO Agosto called her into the kitchen where she observed a piece of paper on the table. § 87(2)(b) asked PO Agosto if that was the warrant and PO Agosto confirmed it was. § 87(2)(b) stated the document was approximately three feet away from her, and PO Agosto was hovering over it. § 87(2)(b) asked

if she could look at it, hold it or have a copy of it. PO Agosto told § 87(2)(b) not to worry about that and that she should get an attorney if she needed to see it. PO Agosto held the warrant on the table, drew a line at the bottom, signed it, and asked § 87(2)(b) if she wanted to sign it. § 87(2)(b) refused to sign it since she did not know what the document said because she was unable to read it. § 87(2)(b) asked PO Agosto to see the warrant three more times, and he kept telling her she needed an attorney to see it. After she refused to sign the warrant, PO Agosto placed the warrant into his pocket. § 87(2)(b) added that her father, § 87(2)(b) and her child, § 87(2)(b) were not present during this conversation.

PO Agosto testified that after § 87(2)(b) looked around her apartment, he requested that she come into the kitchen to talk because her daughter, § 87(2)(b) was crying and her father, § 87(2)(b) had to take § 87(2)(b) inside one of the bedrooms to calm her down. Inside the kitchen, PO Agosto explained to § 87(2)(b) that he was at her apartment because he had a signed search warrant to search the location for narcotics. § 87(2)(b) stated she did not know who would be selling narcotics in her apartment, she didn't sell narcotics and it was just her and her daughter living in the location. PO Agosto then gave § 87(2)(b) the search warrant to read. PO Agosto explained everything that was on the search warrant to § 87(2)(b). PO Agosto confirmed that he handed § 87(2)(b) the search warrant and she had it in her two hands. PO Agosto stated he gave § 87(2)(b) approximately five minutes to read the search warrant. PO Agosto then asked her to sign the warrant and explained to her that she was not admitting any guilt by signing it and that signing it only meant that she was presented with the warrant. § 87(2)(b) refused to sign the warrant. PO Agosto did not know why § 87(2)(b) refused and § 87(2)(b) never stated or explained why she refused to sign the warrant. PO Agosto wrote 'refused' on the warrant. PO Agosto stated he was the only officer in the kitchen with § 87(2)(b) during this time. PO Agosto did not recall hearing any conversation about an attorney.

Sgt. Khan's testimony § 87(2)(g)  
§ 87(2)(b) was asked to come into the kitchen because the kitchen was the only area of the apartment with a table and they wanted her to sign the search warrant. Sgt. Khan was not sure if § 87(2)(b) read the search warrant when PO Agosto gave it to her but confirmed that she did have the warrant in her hands. § 87(2)(b) asked to keep a copy of the search warrant, but Sgt. Khan stated she was explained that she cannot keep a copy of the search warrant, but she can read the warrant and sign the bottom once she has read it. Sgt. Khan explained to her that the search warrant would be made available to her attorney if she needs it, but they need to vouch for the copy of the warrant for their record since it was the only physical copy they had with them at that time. Sgt. Khan confirmed § 87(2)(b) refused to sign the warrant and added that § 87(2)(b) told her not to sign it. However, Sgt. Khan did not know why § 87(2)(b) told her not to sign it.

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[REDACTED]  
[REDACTED]

§ 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) [REDACTED] has been a party. (Board Review 06)
- PO Agosto has been a member of service for 5 years and has been the subject in two CCRB complaints and 7 allegations, none of which were substantiated. § 87(2)(g) [REDACTED]  
[REDACTED]

**Mediation, Civil and Criminal Histories**

- § 87(2)(b) [REDACTED] declined to mediate this complaint.
- On March 8, 2018, a request was made determine if a Notice of Claim was filed in regards to this incident. Confirmation from the Office of the New York City Comptroller will be added to the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]  
[REDACTED]

Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature \_\_\_\_\_ Print Title & Name \_\_\_\_\_ Date \_\_\_\_\_

Squad Leader: \_\_\_\_\_  
Signature \_\_\_\_\_ Print Title & Name \_\_\_\_\_ Date \_\_\_\_\_

Reviewer: \_\_\_\_\_  
Signature \_\_\_\_\_ Print Title & Name \_\_\_\_\_ Date \_\_\_\_\_